*Pesticide*NOTES

A publication of the Washington State Department of Agriculture Pesticide Management Division

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Growers benefit by keeping accurate records

Most growers already document what is applied to their crops for expense purposes. But they are often surprised to learn that they have to keep the same pesticide application records as commercial applicators.

To many, the items required for each pesticide application seem like a needless bureaucratic hassle. What they fail to consider is that by simply adding a few more items to the records kept for expense purposes, they will be in compliance with pesticide law and create a useful history of the applications made to their crops.

The value of keeping detailed records may not be obvious at first glance. Consider that growers of high value crops like potatoes often want to verify the pesticide application history of a field before they rent or lease land. If your records clearly show that you did not apply any pesticides that could be a residual concern for the grower's crop, then you are more likely to be successful in leasing your land to a careful grower.

Your application records also give you a better understanding of what actually works. Complete spray records, including date, temperature, and time of day, allow you to compare different applications and determine what conditions were most or least conducive to effective treatments.

Accurate and reliable application records are essential for resolution of crop injury or product performance issues with product manufacturers, seed suppliers, or crop insurance adjusters. If you can illustrate precisely when you made your application, what products were used, and at what rate and concentration you will add credibility to your claim and give people the information they need to accurately resolve the issue.

Agricultural chemical dealerships and their field staff often help their customers maintain application records. From a sales standpoint, this is a tremendous "value-added" benefit that can strengthen the partnership between businesses and their customers.

An attentive crop consultant will review past application records before making pesticide recommendations. This helps avoid pest resistance problems by rotating among families of pesticides and different modes of action. If resistance to a pesticide is suspected, complete spray records that go back as far as seven years can give the consultant valuable clues.

And finally, accurate and detailed application records could be a grower's best defense against claims of pesticide drift resulting in crop injury or human exposure. Having consistent application records that include the start and stop time and the speed and direction of the wind may prove that your application could not be responsible for the injury/exposure in question.

For all of these reasons, pesticide applicators should take recordkeeping seriously. To encourage your efforts, this edition of *Pesticide Notes* includes a pull out insert that describes the recordkeeping requirements and provides blank and completed examples of the five WSDA recordkeeping forms.

WSDA

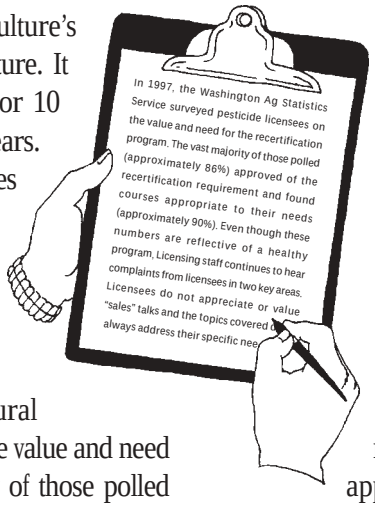
For further information or to obtain blank recordkeeping forms, call the Compliance Branch toll-free at (877) 301-4555 or visit the WSDA Web site at: *www.wa.gov/agr/pmd/etc/forms.htm#recordkeeping.*

In This Issue:

Make recertification count for your benefit

Are you a pesticide licensee who wants to optimize your recertification experience? Have you ever sponsored a recertification course and wondered whether your audience really learned something or just kept a seat warm? For recertification to be successful in providing continuing education courses that really make a difference, both the participant and the sponsor should be answering "yes" to these two questions.

The Washington State Department of Agriculture's (WSDA) recertification program is now fully mature. It has been a requirement for Private Applicators for 10 years and for all other license holders for 15 years. Pesticide licensees who wish to maintain their licenses must complete recertification requirements every five years. They can accomplish this in two ways: by earning pest control related continuing education credits or by re-testing in all the categories in which they work.



A few years ago, the Washington Agricultural Statistics Service surveyed pesticide licensees on the value and need for the recertification program. The vast majority of those polled (approximately 86%) approved of the recertification requirement and found courses appropriate to their needs (about 90%). Even though these numbers are reflective of a healthy program, Pesticide Licensing staff continues to hear complaints from licensees in two key areas. Licensees do not appreciate or value "sales" talks and the topics covered do not always address their specific needs.

WSDA, working with pesticide industry members, has developed simple, concise accreditation criteria. All topics approved for credit must be directly related to pesticides (i.e. safe use, equipment calibration, storage) or pest management (i.e. identification and control of pests, Integrated Pest Management, and other best management practices).

SO WHAT ABOUT "PRODUCT UPDATES?

While some of these presentations are legitimate, others do not meet accreditation criteria. Presentations by product representatives on the use of their product to control or eradicate pests, changes in the use of the product, and review of the pesticide's efficacy based on field data are valuable information that WSDA fully accredits.

On the other hand, presentations touting one product over another, including the economic incentives or costs of a particular product, the business status of an agrichemical company, general product marketing and similar topics are not appropriate for credit.

FINDING THE BEST COURSES

How do licensees find courses that meet their needs? Basically, they research their options. There are more than 750 open courses each year which are posted on the WSDA Web site at *http://www.wa.gov/agr/pmd/licensing/recert_courses.htm*. Many professional organizations and pesticide dealers sponsor specific crop or use related courses. Colleagues who work in similar areas can give you leads as well. For those who want well-rounded, general courses, the Washington State University Pesticide Education Program puts on statewide courses each winter. They distribute a bulletin on their courses each fall and post information on their website at *http://pep.wsu.edu/education/recert.html*. Unlike some states, Washington does not require a certain number of credits in each of your license categories. The decision of how you earn hours is completely yours!

WSDA accredits programs based on topic information provided to WSDA by course sponsors. Sometimes, the course will receive partial credit because only some of the topics meet the recertification criteria. Once a course has been approved, it is the sponsor's responsibility to ensure that speakers cover the topics accredited and that they do so in an acceptable manner. Sponsors who do not adhere to their responsibilities risk denial of their course requests in the future. In serious violations, WSDA can reduce or remove credits from a course.

Sponsors are encouraged to solicit feedback at the conclusion of their courses to determine topic applicability and speaker effectiveness. Why put on a course if you do not intend to satisfy your audience?

Continued on next page

WSDA *Pesticide Notes* is published by the Washington State Department of Agriculture Pesticide Management Division to keep pesticide users and others informed about changes in pesticide laws, issues and decisions that affect them. Your feedback and ideas are welcomed and encouraged. Write to us at:

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Inquiries regarding availability of this publication in alternative forms should be directed to the WSDA at (360) 902-1973 or Telecommunications Device for the Deaf (TDD) (360) 902-1996.

To obtain extra copies, contact Heike Stough at (360) 902-1900 or by e-mail: *hstough@agr.wa.gov*

Because the department can only monitor a fraction of the courses accredited, licensee feedback to the sponsor and to WSDA is critical to ensure high quality courses. Tell the sponsors what you liked and didn't like and don't continue to attend courses put on by ineffective and unresponsive sponsors. Please bring concerns about course quality to the attention of WSDA recertification program staff.

The quality of recertification courses is in the hands of licensees and sponsors. Here are a few tips to keep in mind.

TIPS FOR COURSE PARTICIPANTS:

- Contact the course sponsor listed on the WSDA Web site before attending any given program. Ask them for specifics on the program. What does the program offer you in the way of practical assistance in the kind of pest management you perform?
- If a course you attend does not address the subject matter to your satisfaction, or to WSDA's policy guidelines, bring this to the attention of the course sponsor **and** the speaker(s). Be prepared to offer suggestions on ways to improve program content.
- Tell the sponsors what subject matter you are really interested in and how you want it presented (i.e. classroom presentation, field demonstrations/tours, hands-on training). You have far greater effect over what a sponsor does than WSDA.
- Feel free to contact WSDA recertification program staff toll-free at (877) 301-4555. Ask for Hugh Watson, Irene Beckman or Margaret Tucker. Be prepared to tell us which course you attended and what specifically you found inappropriate (i.e. the speaker was supposed to address the use of a weed control product but only gave a sales pitch.) Include the presenter's name and whom he or she represents. We will discuss legitimate concerns directly with the course sponsor.
- If there are no programs that address the issues you feel are important, you are encouraged to sponsor your own course. A number of small businesses have elected to create continuing education programs to provide themselves and their employees with relevant training. An added benefit is that they realize savings in travel expenses and course fees.

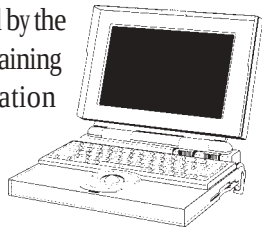
TIPS FOR SPONSORS:

- Submit your course requests at least three weeks in advance of your program's start date. This provides WSDA with sufficient time to review your request.
- Use the sign-up roster assigned to your course. If you have multiple courses, be sure to use the sheet that corresponds with the correct date, location and session.
- Be prepared to make appropriate substitutions in programs to ensure that topics meet the accreditation criteria.
- Keep the continuing education topics fresh. What are the current compliance problems facing your audience? (We'd be happy to tell you.) What kind of pest control problems did other applicators face last year and how did they deal with them? What are the results of new research and how can it be applied? Are there innovative pest control measures being practiced in other states that have applicability in Washington?
- Communicate with your speakers and make sure they are clear on what you expect from their presentation. Make them aware that sales presentations are not legitimate for credit.
- Have an extra talk or video ready in case a speaker does not show or if they don't cover their topic appropriately.
- Find ways to involve your audience. Adults learn best by doing and by learning from the experiences of others.
- Constantly evaluate your programs and ask your customers what they want the next time around. Chances are, they'll tell you!

Pesticide Notification Network (State restricted use pesticide list on-line)

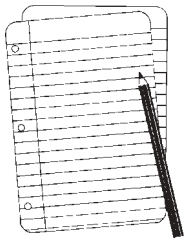
Washington State University's Pesticide Information Center has put together a list of pesticide products that meet the criteria for being listed as restricted use pesticides for Washington state. This listing is posted on the Pesticide Notification Network (PNN), which informs pesticide users of registration and label changes for products of interest to agriculture. The list is posted on the PNN Web site at *www.pnn.wsu.edu*. The list can be found under the heading "Washington Information." You can sort the list by product name, EPA #, registrant, and ingredient.

The list is based on those products registered for use in Washington for 2000. Products newly registered in Washington in 2001 will not appear on the list until the registration process has been completed. The information provided by the PNN is not to be used as a substitute for obtaining and reading pesticide labels. Information provided by the PNN is neither a recommendation nor an endorsement by either Washington State University or the Washington State Commission on Pesticide Registration.



The Pesticide Information Center also operates a Web page containing current pesticide registration and label information. The Pesticide Information Center On-Line (PICOL) can be found at *http://picol.cahe.wsu.edu*. Comments on this project may be sent to: *jmthomas@tricity.wsu.edu*.

Revisiting pesticide dealer requirements



Sections of the General Pesticide Rules useful for Pesticide Dealers:

WAC 16-228-1200(6) – requires that pesticides be delivered to a pesticide consignee or their authorized agent and that they sign the delivery slip and secure the pesticide in proper storage.

WAC 16-228-1231(5) – requires pesticide dealers to keep specific records on the sales of restricted use pesticides and supply them to the department upon request.

WAC 16-228-1300 – requires pesticide dealers to supply the department with specific records on the sales of general use, non-home and garden pesticides, if needed for regulatory matters.

WAC 16-228-1590(2) – requires a licensed pesticide Dealer Manager to be present at the dealership whenever non-home and garden pesticides are distributed.

Quick quiz for pesticide dealers:

1. (True or False) I have to keep records on the sales of restricted use pesticides (RUPs) for seven years.

2. (True or False) I am only required to submit sales records to WSDA for pesticides that are restricted use.

3. (True or False) I can only distribute a RUP to a properly licensed applicator or their authorized agent.

4. (True or False) It is OK for me as the licensed Dealer Manager to leave my unlicensed staff to mind the dealership as long as they can call me on the telephone with questions.

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1. True.

2. False. You also have to submit records of the sale of other pesticides (except home and garden) if WSDA needs them for regulatory matters.

Both types of records should contain the following information:

(a) Full name and address of purchaser;
(b) Full name and address of certified applicator if different than (a)above
(c) Full name of authorized agent, if applicable;
(d) Brand and specific pesticide name and/or EPA registration number (RUPs require EPA Registration number);
(e) Number of pounds or gallons of the pesticide distributed;
(f) Date of distribution;
(g) Certified applicator number (Required only for RUPs);
(h) Crop and/or site to which pesticide will be applied for restricted use pesticides and, if known, for general use pesticides.

3. True. Dealers should ask to see a valid Department of Agriculture certified applicator license for all sales of restricted use pesticides. Certified applicators may designate an authorized agent to purchase or receive RUPs, or the authorized agent may provide written authorization from the certified applicator to the dealer at the time of purchase.

Dealers are advised to keep these written statements on file. This information should be checked before distribution or delivery. Pesticides cannot legally be delivered unless the licensee or authorized agent is present to accept delivery, signs a delivery slip and secures the pesticides in a proper storage area.

Dealers should make sure applicators are licensed to use the restricted use pesticide they are buying. All certified applicator licenses, except the private applicator, require a category in the type of pest control allowed by the product.

In other words, a restricted use agricultural insecticide requires the buyer to have either a private applicator license or another certified applicator license with the agricultural insect and disease category. (The discontinued statewide category would be acceptable as would the old tree fruit or row crop categories **if** the product is labeled and intended for one of those uses.)

4. False. The law requires you or another person licensed as a pesticide Dealer Manager to be on site whenever these products are sold. Although this can be a bit of a hassle, it ensures that pesticide sales are legal and appropriate.

What do you think of this newsletter?

The Pesticide Management Division would like your comments on the value of this newsletter. In the weeks following its mailing, we will call some of you for your comments. We promise to take only a few minutes of your time. If you would like to submit written comments, please send them to:

Margaret Tucker
PMD Newsletter Comments
PO Box 42589
Olympia, WA 98504-2560

You may also send your comments via e-mail to: *mtucker@agr.wa.gov*.

Thank you for your assistance!

Pesticide precautions under drought conditions

As you tend your own crops or your customer's plants, keep in mind that this summer's drought could affect pests and diseases as well as the performance of your pesticides. The best single advice is to follow the pesticide label carefully. Under the Use Precautions section of the label is beneficial advise for using the product under environmental extremes such as drought.

The drought may add to the challenge of controlling pests such as insects, weeds and disease, but by no means makes it impossible. One of the best times to apply a pesticide is early in the day before the temperatures reach their peak. The plants are under the least amount of stress at this time and the chemical is least likely to cause phytotoxicity. Eastern Washington applicators should be aware that certain state restricted-use herbicides cannot be legally applied during the early morning hours. Be sure to check the "Rules Relating to Restricted Use Herbicides" for your county.

When pesticides are needed, consider following the old advice of using those formulated as wettable powders (WP) instead of emulsifiable concentrates (EC). ECs may cause more damage to foliage under high temperatures.

FUNGI AND ROOT DISEASES

While plant diseases caused by fungi and bacteria are generally lessened by drought they could, in some instances, be worse. Low soil moisture can damage shallow-rooted trees and shrubs. Aside from obvious symptoms of wilting and leaf scorch, damaged roots are fair game for diseases such as root rot. The symptoms of these diseases are not likely to be evident until months after initial damage occurs. Powdery mildews are another group of fungi that may thrive under hot, dry conditions.

Sulfur and copper based fungicides can damage a plant's cuticle as temperatures rise above 85 degrees. Instead, choose a synthetic fungicide when temperatures are expected to exceed 85° F.

INSECTS AND MITES

Drought conditions also aggravate insect and mite problems. Mites have long been associated with hot, dry conditions, and wood-boring insects successfully attack plants under drought stress. Major outbreaks in grasshopper populations are known to coincide with warm, dry spring weather. Conversely, sucking insects like aphids generally have a harder time feeding on plants under moisture stress.

Horticultural oils often used for mite and insect control may damage a plant's cuticle as temperatures rise above 85°F. Additional monitoring may be required for crops subject to mite infestations. With shortened pest life cycles due to the drought, spray intervals may need to be shortened. Be careful to stay within the labeled range.

WEEDS

Weeds compete with crops and landscape plants for moisture and nutrients even in years of normal rainfall. Many weeds can tap water deep in the soil. For example, crabgrass and cocklebur can draw water from as far as four- to five-feet deep. Weeds also respond to drought stress by increasing cuticle thickness, reducing vegetative growth and flowering early.

The performance of herbicides applied under drought conditions may be impacted. Without adequate soil moisture, the herbicide may remain tightly bound to soil particles and be unavailable for plant uptake. Under dry conditions, herbicides may take longer to break down due to a decrease in the rate of degradation processes.

Under drought conditions, managing weeds after they appear may be difficult and could require using the higher end of the labeled application rate. Post-emergent, systemic herbicides, such as glyphosate, require active plant growth to be effective.

When the pesticide label approves the use of nitrogen fertilizer as a spray additive, it may improve herbicide performance especially when the weeds are under drought stress. During hot dry weather some herbicides also perform better with the use of a crop oil surfactant instead of a non-ionic surfactant.

While there may be additional challenges in controlling pests due to the drought most situations shouldn't be considered impossible. Carefully monitoring the pest levels to keep plant stress to a minimum and following the pesticide label are the most important things to keep in mind.

The drought may add to the challenge of controlling pests such as insects, weeds and disease, but by no means makes it impossible

Recent drift complaints around schools prompt WSDA review

Several recent complaints involving school children allegedly exposed to pesticides highlight the care that must be taken when spraying pesticides around schools and other areas where children are present.

During 2000, the state Department of Agriculture (WSDA) investigated five complaints of pesticide drift onto schools, buses and bus stops. The seven-year average prior to 2000 was two such cases per year. All five cases occurred in Chelan, Grant, and Douglas counties where, along with Okanogan county, a high percentage of schools are in close proximity to agricultural areas (see figures 1 and 2). Aerial and airblast agricultural applications accounted for four of the five reported incidents.

WSDA takes reports of human pesticide exposure very seriously, especially when children are involved. Alleged human exposure investigations are initiated immediately (within one working day). Pesticide labels and the General Pesticide Rules make it illegal to drift onto and otherwise endanger people. Violations of pesticide law can result in license suspension or revocation and/or civil penalties.

Common sense practices help applicators provide greater protection for schools and children when applications are made near schools.

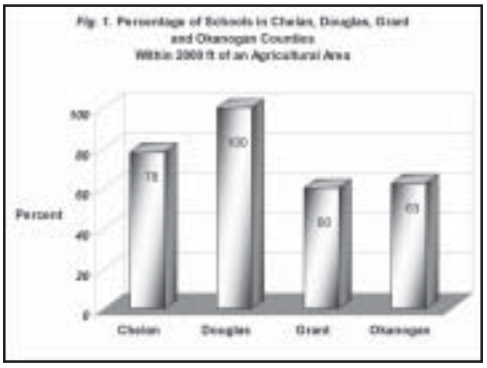
- Give nearby schools ample notification before making an application.
- Avoid spraying in an inversion or if the air at ground level is very stable.
- Use an accurate wind gauge to determine wind direction and speed.
- Do not spray if the wind is blowing toward the school, or if wind direction is variable.
- Do not procrastinate. Spray at the beginning of the application window, not at the end.
- Do not spray while school is in session.
- If spraying when school is not in session, do not become careless.
- Establish a spray-buffer for agricultural areas immediately adjacent to schools and other sensitive areas.
- Use a handgun on the outside rows next to sensitive areas.
- Spray the three rows closest to the sensitive area using only the nozzles on one side of the sprayer and spray with the operating nozzles directed away from the sensitive area. (This is an example of a mandatory label statement when making an application within 150 ft. of surface water).

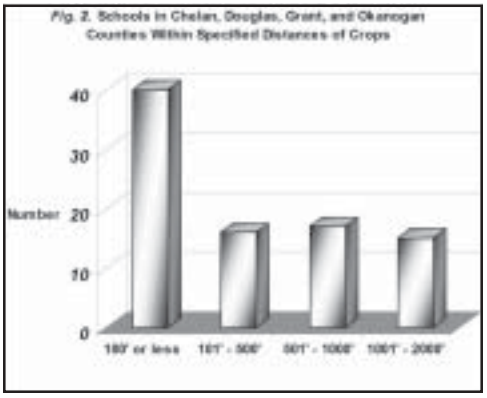
SCHOOL REVIEW COMMITTEE

In light of these recent incidents, WSDA is forming a committee to review measures to better protect school children from pesticide drift. Under consideration will be the implementation of buffers and pre-notification of pesticide applications around schools. Buffers are already mandated for the protection of crops and endangered species and the Legislature just passed a bill requiring public schools to notify parents of pesticide applications.

In the meantime, pesticide drift can only be prevented by one person: You – the applicator. You are the person who will be held accountable for violating pesticide law and for protecting our school children. Please take this responsibility seriously. We do.

(Please see related article on drift on page 13 of this newsletter)





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Learn more about mad cow disease through the Internet

BSE, commonly known as "mad cow disease," is one variety of a rare group of diseases known as Transmissible Spongiform Encephalopathies (TSEs). TSEs cause microscopic holes in the brain, giving it a sponge-like appearance. They are always fatal, and they affect both humans and animals.

Cattle are believed to become infected with BSE when they consume feed that contains remnants of infected animals. Although the material is cooked during the rendering process, evidence indicates that the BSE agent can survive this processing.

The human form of TSE is Creutzfeldt-Jakob Disease (CJD). It is believed that a variant form of CJD may be linked to consumption of beef infected with BSE. While typical CJD usually affects people over 60, new variant CJD usually affects people under 40.

You may find the sites in the box at the right helpful in learning more about BSE and what the federal government is doing to protect the American consumer and producer.

For further information, contact Dr. Ali Kashani, WSDA animal feed and fertilizer compliance program coordinator, at (360) 902-2028 or by email at *akashani@agr.wa.gov*.

BSE INFORMATION ON THE INTERNET:

Food & Drug Administration (FDA):
http://www.fda.gov/oc/opacom/hottopics/bse.html

Guidance documents for various industries dealing with animal feeds:
http://www.fda.gov./cvm/guidance/guidance67.pdf
http://www.fda.gov./cvm/guidance/guidance68.pdf
http://www.fda.gov./cvm/guidance/guidance69.pdf
http://www.fda.gov./cvm/guidance/guidance70.pdf

FDA's BSE rule for feed manufacturers, renderers, protein blenders and ruminant feeders entitled, *Substances Prohibited From Use in Animal Food or Feed: Animal Proteins Prohibited in Ruminant Feed* **(Code of Federal Register Part 589.2000)**
http://www.access.gpo.gov/nara/cfr/waisidx_00/21cfr589_00.html

U.S. Department of Agriculture's BSE site: *http://www.aphis.usda.gov/oa/bse*

Information on the Animal and Plant Health Inspection Service's ban on importation of animal protein from Europe:
http://www.aphis.usda.gov/lpa/press/2000/12/reed.12.19.txt

An article entitled, *Bovine Spongiform Encephalopathy and Variant Creutzfeldt-Jakob Disease: Background, Evolution, and Current Concerns*:
http://www.cdc.gov/ncidod/EID/vol7no1/brown.htm

The fact sheet, *Federal Agencies Take Special Precautions to Keep Mad Cow Disease Out of the United States*:
http://www.hhs.gov/news/press/2001pres/01fsbse.html

Pesticide Advisory Board update

The Pesticide Advisory Board approaches full strength status after several years with low membership. The Washington State Department of Agriculture (WSDA) and board members have made a concerted effort to rejuvenate the composition of the board. Members represent a broad spectrum of interests in pesticide use and disposal as well as state natural resource agencies.

WSDA expects to work closely with the advisory board this year as the state wrestles with implementation of reasonable pesticide policies and regulatory reform. Five committees are or will be working on these challenging issues:

- Applying pesticides near schools, hospitals and other sensitive areas – revisit current rule [WAC 16-228-1220].
- Pesticide sensitive registry – review/make recommendations for change [RCW 17.21.420 & 430].
- Study home remedies – regulatory authority.
- Pesticide applications in forestry environments – direct supervision definition [RCW 17.21.020 (12)].
- Pesticide multi-year registration cycle [RCW15.58.070].

According to state law, the board exists to "advise the director on problems relating to the use and application of pesticides in the state." While statutory language stipulates "use" and "application," the department and the advisory board agree that this mandate, in its broadest sense, incorporates registration and disposal issues as well.

The advisory board may appoint committees comprised of board members and/or non board members to assist with resolution(s) of issues relating to pesticide use and application in Washington. Pesticide Advisory Board meetings are open, and guests may participate in deliberations.

Please direct questions or comments on issues under review or suggestions for new initiatives to:

- Bob Arrington, Assistant Director, Pesticide Management Division at (360) 902-2011, *barrington@agr.wa.gov; or*
- Willis Goodwin, Chairman, Pesticide Advisory Board at (509) 527-1988, *goodwin@wwics.com*.

Pesticide strategy for fish recovery released

***The Washington State Pesticide/ESA Task Force** is an interagency technical and policy team composed of scientists and managers from resource and regulatory agencies and includes: National Marine Fisheries Service -Northwest Region, U.S. Fish & Wildlife Service - Western Washington Office, U.S. Environmental Protection Agency-Region 10, the Washington State Departments of Agriculture, Natural Resources, Ecology and Fish & Wildlife. Scientists from the U.S. Geological Survey and Washington State University contribute to the Task Force in an advisory capacity.

The Washington State Pesticide/Endangered Species Act (ESA) Task Force* released its proposed strategy March 28 to ensure that pesticides are not a limiting factor in the recovery of threatened and endangered salmonids (various salmon species and bull trout) in Washington state.

The strategy design is based upon an "exposure-driven" model. Using this approach, pesticides are first screened to determine if they are present in salmonid habitat by evaluating pesticide surface water monitoring data generated by the U.S. Geological Survey, state Department of Ecology and other agencies. If a pesticide is detected in salmonid habitat, the task force will use the best available science, including existing standards for the protection of aquatic life, to determine if it is likely to impact the recovery of salmonids. If the ask Force finds that the pesticide is likely to impact salmonid recovery, the state Department of Agriculture will take steps to modify the use of that pesticide to reduce and/or eliminate its transport to water and therefore the subsequent risk to threatened and endangered species.

Many applicators and growers have expressed concern over their liability under the ESA. They want to know how the strategy will affect their liability and how it will impact the availability and use of pesticides.

First, it is important to understand that the strategy, if implemented as designed, protects the pesticide user from action under the ESA. As long as the pesticide is used according to the label directions, current regulations, and/or restrictions put in place by the Department of Agriculture, the U. S. Fish & Wildlife Service and the National Marine Fisheries Service will not take action against an individual applicator even if "take" (harm or injury to the species or their habitat) occurs.

Second, the process is intended to identify those pesticides that are not a limiting factor in the recovery of salmonids, as well as those that are. Pesticides identified as non-limiting for salmonid recovery will receive protection under the ESA. Those pesticides identified as limiting for salmonid recovery will be referred to the Department of Agriculture for action. A thorough public review process will take place before any action is taken to prohibit or restrict the use of a pesticide. The department will use good, sound data to support such actions.

The task force's draft strategy document has gone through a 60-day public review and comment period and is being finalized. The strategy document will be available on the Department of Agriculture's Web site at *www.wa.gov/agr/* when it is finalized.

For further information, contact Bridget Moran, endangered species coordinator, at (360) 902-1936 or *bmoran@agr.wa.gov*.

Post bloom use of chlorpyrifos on apples no longer allowed

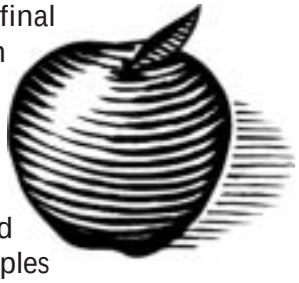
If I have an "old" labeled container of chlorpyrifos (example: Lorsban™) can I use it on apples after they bloom?

No. All post bloom uses on apples were lost Dec. 31, 2000. No chlorpyrifos products may be applied to apples after bloom.

However, products that bear instructions for post bloom applications to apple trees may continue to be legally distributed or used for other purposes. For instance, old-labeled product may continue to be used for dormant or delayed-dormant applications to apples.

What is the tolerance for chlorpyrifos?

The tolerance for chlorpyrifos will be decreased from the existing 1.5 ppm. It is uncertain when the Environmental Protection Agency will actually set the new tolerance, or what the final tolerance will be, but an action is expected sometime later this year.



For apples in storage, the original tolerance of 1.5 ppm applies if they were treated prior to Dec. 31, 2000. If the apples were treated after that date, the new tolerance applies, even if the EPA hasn't formally finalized it. Growers may need to produce evidence of when they were treated if residues above the new tolerance are detected.

If you have any questions, please call Pesticide Registration toll-free at (877) 301-4555 or e-mail *pestreg@agr.wa.gov*.

Washington State University revises recordkeeping software program

A computer software program developed by Washington State University (WSU) in 1991 to help growers comply with state pesticide application recordkeeping requirements has been revised. The 2001 version of the Pesticide Application Record Program (PAR) is Windows-based and considerably easier to use than the earlier version. It has been approved by the Washington State Department of Agriculture as containing all the required recordkeeping elements.

PAR has a number of features that growers will find useful. Once you have entered the data for an application, the program allows you to select the WSDA form on which to print your records. It has a simple drawing program that allows you to create a map, if required for your application. PAR will also print the application information that the Worker Protection Standard requires you to post at a central location.

Another program feature tracks your pesticide inventory and allows you to generate pesticide storage records required by the state Department of Labor and Industries.

PAR was written in Microsoft VisualBasic© for PCs running on Windows© or an NT© operating system. The data is stored in Microsoft Access© database tables. You are not required to have Access installed on your computer for the program to function. The program is installed to your hard disk from a CD. It requires a minimum of 6 megabytes of disk space.

PAR (CD0002) is available from Washington State University Cooperative Extension Bulletins at 509-335-2999 or online at *http://pubs.wsu.edu/.*

The cost is $50.

For further information, contact: Kathleen Duncan at *kduncan@wsu.edu* or 509-335-2890.

Pre-registration by automated telephone system required for pesticide exams

Thinking about adding a category to your pesticide license? Do you have an employee who needs to get a pesticide license? Did you forget to get all those recertification credits and now you have to retest?

If you answered yes to any of these questions, you will need to plan ahead. To reserve your space at one of WSDA's six offices, you must use the automated telephone system. Here's how:

1. **Call WSDA toll-free at (877) 301-4555**
2. Select one of three options in the first menu:
   - Press 1 to continue in English,
   - Press 2 to continue in Spanish (spoken in Spanish)
   - Rotary phone users, stay on the line.
3. If continuing in English
   - Press 1 for Pesticide Licensing
   - Press 1 to make a reservation for a test
   - Select location
   - Select date and time
   - Enter telephone number using keypad
   - Say name
   - Say type of license and exams needed*
   - Your selection is confirmed. You will then be given the opportunity to make another reservation.
   - You will be given the option of listening to directions to the testing site.
4. If continuing in Spanish, you will be transferred to bilingual staff in the Yakima office.

Please come to your exam session prepared. Once you have determined the exams you need, get corresponding study manuals from Washington State University's Bulletin Office at *http://pep.wsu.edu/education/smof.html* or by calling (800) 723-1763.

You will be required to show a picture ID at the time of testing and to pay your license fee. WSDA does not accept credit cards or public agency purchase orders. Scores will not be released until fees are paid.

If you need a license by a certain date, remember that test scores are sent by mail within two weeks after your test. Under no circumstance are scores given over the telephone!

* Before you call the reservation line you will need to know the type of license you want, and the tests you need to take. To determine this information, refer to WSDA's Pesticide Licensing Fact Sheet, which is available on the Internet at *http://www.wa.gov/agr/pmd/docs/forms/4375.pdf* or by calling Pesticide Licensing **(877) 301-4555**. Instead of pressing 1 to make a test reservation, press 2 to talk with licensing staff.

If you have questions, please call Pesticide Licensing at (877) 301-4555 or e-mail *license@agr.wa.gov.*

Oregon irrigation district case raises thorny permit issue

Due to a U.S. Ninth Circuit Court of Appeals decision in March, irrigation districts will need to change the way they do business. Because irrigation waters in canals, laterals and drainage ditches have been deemed 'waters of the United States,' all irrigation districts in Washington state now have to apply for short-term water quality modification permits for the 2001 season. In addition, irrigation districts will need to apply right away for a National Pollutant Discharge Elimination System (NPDES) permit for the 2002 season if they want to apply herbicides in their canals.

IMPACTS TO REGULATORY AND AGRICULTURAL COMMUNITIES

This ruling from San Francisco, which has wide-reaching impacts, caught agricultural and regulatory communities off guard. Historically, applications made to irrigation waters were not required to have a short-term water quality modification permit from the state Department of Ecology.

This ruling requires Ecology, which administers the federal Clean Water Act, to completely change their permit application process and increases enforcement requirements. It also catches irrigation districts at a time when they cannot wait to acquire a permit before treating their systems. In addition, there may be permit fees in the future to offset the costs of acquiring federal NPDES permits.

To accommodate the recent rulings, Ecology is modifying the short-term water quality modification permits. NPDES permits will not be ready for issuance until 2002. Application forms, short-term modification permits and cover letters for the 2001 season will contain a statement about the Court of Appeals decision and the potential liabilities that applicators will face.

And the challenges do not stop there. Permit applications submitted by irrigation districts for short-term water quality modification activities this year will require extensive review before they can be issued. As a result, applicators for irrigation districts are encouraged to apply for 2001 permits as soon as possible. Ecology's application form has been modified so that it is now a dual short-term water quality modification/NPDES application. This reduces paperwork and will allow Ecology staff more time to process the NPDES permits for 2002.

WHAT CAUSED THIS CHAOS?

In 1998, two environmental nonprofit organizations brought a citizen suit (Headwaters, Inc. v. Talent Irrigation District) under the Clean Water Act alleging that Talent Irrigation District in Jackson County, Oregon applied the herbicide Magnacide H (acrolein) illegally because the irrigation district had failed to obtain a NPDES permit first. The lawsuit came out of a 1996 incident in which acrolein leaked from a Talent canal and killed young steelhead.

The lower court concluded that no NPDES permit was necessary because Magnacide H is adequately regulated under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and therefore the U.S. Environmental Protection Agency did not need to also regulate it under the Clean Water Act. The court also interpreted no mention of an NPDES permit on the pesticide label as an indication that a permit was not required.

The lower court decision was appealed and heard by the Ninth Circuit Court of Appeals in August last year. The Court of Appeals reversed the lower court decision determining that FIFRA does not negate Clean Water Act requirements. The court also determined that the continuing discharge of an herbicide into the canals without a permit violates the Clean Water Act regardless of whether or not the herbicide causes environmental damage. In addition, failure to state on the pesticide label that a NPDES permit is required does not indicate that a permit is not required.

REVISED PERMIT APPLICATIONS AVAILABLE:

As soon as the new forms and permit language are finalized, they will be placed on Ecology's Web site at *http://www.ecy.wa.gov/programs/wq/herbicides/index.html*. You can also call the Ecology office in your region to request a permit application:

- Northwest Regional Office (Bellevue) at (425) 649-7133
- Southwest Regional Office (Olympia) at (360) 407-0246
- Central Regional Office (Yakima) at (509) 575-2807
- Eastern Regional Office (Spokane) at (509) 625-5194

Eventually, Ecology staff may issue general NPDES permits for the entire state to cover all aquatic applicators including irrigation districts. If and when Ecology issues a general permit, the permit may be for multiple years and cover all applicators under a general NPDES permit.

The departments of Agriculture and Ecology will continue to work together on this permitting issue in an effort to offer the greatest breadth of assistance to aquatic applicators and irrigation districts.

If you would like more information, you can call Wendy Sue Wheeler, aquatic pesticide specialist, at (360) 902-1972, or Cindy Moore, water quality protection manager, at (360) 902-2047.

Pesticide licensing requirements for irrigation applications

Do you apply herbicides to irrigation waters? If so, you are required to have a current state Department of Agriculture (WSDA) pesticide license. The type is based on your employer.

If you work for an irrigation district, you must have the Public Operator license with either the Aquatic or Aquatic Irrigation category. The same categories are required for those making commercial applications to irrigation waters but the license types are different. If you are the head of a business that performs these applications, you must have the Commercial Applicator license. Your employees need to be licensed as Commercial Operators.

Private Applicators may use this license to apply to irrigation waters that do not move off their own or their employer's agricultural land. If the water does move off their land, the Private Applicator must obtain either the Aquatic or Aquatic Irrigation category.

Regardless of whether you are properly licensed with WSDA, you must comply with all other regulations governing applications to irrigation waters. For further information, contact Pesticide Licensing at (877) 301-4555 or *license@agr.wa.gov*.

How-to guide available for hands-on handler/applicator training

A how-to guide for growers and associations that want to sponsor hands-on training for pesticide handlers and applicators is now available. The guide was developed as a result of two successful hands-on training programs that WSDA cosponsored with the agricultural communities in Wenatchee and Quincy.

The training was modeled after a program developed by the University of California at Davis. In two sessions, participants worked in small groups of 10-12 people and rotated through four stations: First Aid, Personal Protective Equipment, Mixing and Loading, and Clean up and Disposal. Two bilingual, volunteer trainers led each group using a "learning by doing" approach.

The Washington curriculum is being revised to replace the first aid section with a section on leaks and spills.

Anyone requesting the how-to guide will also receive a copy of the workshop curriculum. This contains not only the subject material but also many helpful ways to encourage audience participation. One of the values of this type of training is that everyone learns from the experiences of others.

WSDA, in partnership with Washington State Horticultural Association and Washington State University, is planning eight hands-on training programs for handlers in the tree fruit industry. This training will take place early next year. Anyone interested in observing the training for possible use in their training programs is invited to attend. A schedule will be available from WSDA by the end of 2001.

To request a copy of the how-to guide and training curriculum, or to learn more about the 2002 training programs, please call Flor Tovar at (509) 662-0590, e-mail *ftovar@agr.wa.gov* or Margaret Tucker at (360) 902-2015, e-mail *mtucker@agr.wa.gov*.

Be cautious of telephone and internet pesticide sales

The old adage, "if it sounds too good to be true, it probably is," should be remembered when buying pesticides over the telephone or Internet. Although legitimate businesses exist, others make false claims and sell products that cannot be used in Washington.

Protect yourself. Know what you are buying, why you need the product, and what you are willing to pay. If you have doubts about any product, contact a local pesticide dealer to compare prices and to get information on the concentration of active ingredients. If you suspect bogus claims, call the Washington State Department of Agriculture (WSDA) toll-free at (877) 301-4555.

Concerned consumers continue to report telephone sales pitches that claim longer periods of effectiveness than the chemical can realistically provide. The products are sold at a higher price, justified by a claim of multiple-year performance.

WSDA pesticide specialists are also concerned about the sale of restricted use pesticides over the Internet. Sales of these products require that both the seller and the buyer be licensed with WSDA and that the dealer maintain sales records. Out-of-state dealers are often not aware of Washington requirements, particularly in regard to pesticides that are state but not federal restricted use.

Products shipped from other regions of the U.S. may also pose legal risks for Washington applicators. These pesticides may have the same brand name or Environmental Protection Agency registration number as products sold here, but they may not be labeled for use in Washington. Products sold through local dealers are properly packaged and labeled for use on crops and other plants grown in Washington. It is up to the purchaser to make sure they are using pesticides on labeled sites.

An example of this from a couple of years ago involved the herbicide Pursuit. At the time of the incidents, there were two distinct packages of Pursuit available. One of these was labeled for dry peas and lentils. The other was labeled for use on soybeans and other mid-western crops. Because the Midwest packaging was less expensive, some Washington growers purchased and illegally used this product on crops not found on the label.

Products purchased over the Internet may be shipped from a distribution center or dealer in another part of the U.S. that is not familiar with the minor crops that are grown in Washington. This can lead to applicators innocently purchasing pesticides that are not labeled for use on their intended target site. Unfortunately, the result could be the same as with the growers who knowingly purchased the Pursuit herbicide – an illegal application. The ultimate responsibility is on the person buying and applying the product.

The WSDA is collecting information on telephone and Internet pesticide sales to ensure that the products offered are properly registered. If you suspect a sales pitch is too good to be true, please get as much information as possible on the product and the company and call the department toll-free at (877) 301-4555.

Restricted use pesticides (RUP) - Why are they restricted?

For detailed information on Restricted Use Pesticides refer to 40CFR152.160, 40CFR152.170 and 40CFR152.171 of the Code of Federal Regulations and WACs 16-228-1010(8)(31)(33) and 16-228-1231 of the General Pesticide Rules.

Major categories used by EPA for evaluating a pesticide's hazard:

- Hazards to humans
- Hazards to non-target species
- Use history and post-registration field studies
- Adequacy of label language

For the protection of groundwater, the following active ingredients and their isomers are state restricted use:

Atrazine
Bromacil
DCPA
Disulfoton
Diuron
Metolachlor
Metribuzin
Picloram
Prometon
Simazine
Hexazinone
Tebuthiuron

There are a total of 450 products registered in Washington that are designated as either federal or state restricted use pesticides (RUPs). Have you ever wondered why all of these products are so special? What ARE the criteria used by the Environmental Protection Agency (EPA) and the state Department of Agriculture when determining if a product's use should be restricted?

The federal government provides a detailed list of criteria in the Code of Federal Regulations for determining when a product's use should be restricted. There are four general categories for judging if a pesticide is sufficiently hazardous to be designated as restricted use. Within each of these categories are specific criteria used to evaluate the product's risks.

Hazards to humans are evaluated based on whether a pesticide exceeds established levels for acute or dermal toxicity, inhalation concentration, eye or skin corrosiveness, and whether the pesticide causes significant chronic or delayed toxic effects.

A pesticide might be restricted if it endangers non-target species. Pesticides endanger non-target mammalian species when residues exceed the acute dietary toxicity or acute oral toxicity criteria, birds when residues exceed the sub acute dietary criteria and aquatic species when residues exceed the criteria for concentration in water. Adverse effects on non-target species from direct or indirect exposure is also considered. Granular products receive special consideration since the granules can be consumed.

EPA will also consider relevant evidence from field studies, use history, and accident and monitoring data to determine if the product poses a serious hazard to humans or the environment that can be mitigated by the restricted use classification.

If, after review, EPA determines that a pesticide does pose a risk to humans or non-target species or has otherwise shown reason for its use to be restricted, the agency will determine if additional label language would be sufficient to adequately mitigate the identified hazard. If this is not possible, the product will be designated as restricted use.

WSDA also has the authority to classify pesticides as restricted use. State restricted use designations are the result of federal action (any federal RUP is automatically a state RUP) and/or specific problems or concerns encountered in Washington. All products designated as state restricted use are identified in WAC 16-228-1231 of the General Pesticide Rules. With some exceptions, products intended only for home and garden use are exempt from the state restricted use classification.

Several products have earned the RUP designation in eastern Washington to protect non-target agricultural crops. Most formulations of 2,4-D in packages larger than one gallon are state restricted use. Dicamba and other phenoxy acid herbicides such as 2,4-DP and MCPA are also designated as restricted use in eastern Washington.

Strychnine and its salts have been designated as state RUPs because of documented incidents of non-target animal poisonings. All pesticides labeled for aquatic use are also state restricted use.

Twelve pesticides have been declared state restricted use because of their potential to contaminate groundwater. Please be aware that this list does not include all pesticides that are a threat to groundwater. You can educate yourself about the leaching potential of the products you use by carefully reading the pesticide label, accompanying labeling and other technical bulletins and publications.

How can the average person know if they are using a RUP? A large box on the label's front panel easily identifies federal RUP's. State RUPs that are not federal RUPs are harder to recognize because the label will not identify them. All of these products are detailed in the General Pesticide Rules. Bottom line - a dealer should only sell a RUP to a person properly licensed to apply the product or to that person's authorized agent. The whole point of designating a pesticide as restricted use is to limit its use to trained and licensed applicators or people under their direct supervision.

For further information, contact the Compliance Branch toll-free at (877) 301-4555.

Science says: "Drift Happens!"

Carol Ramsay - Pesticide Education Specialist, Washington State University

Drift is a fact of life in pesticide application. The level at which it must be managed is defined by pesticide labels, state rules and civil courts. Focused attention to detail by the applicator can reduce drift problems. Everyone knows it is YOU, the applicator, who is ultimately responsible for controlling drift.

YOU assess the application site and its surroundings for sensitive areas. (Will children or other people be present? Is water present? Are animals, susceptible plants, or pollinators present, or will they be?) YOU select the product for application. YOU set up the application equipment, selecting and aligning nozzles, determining pressure, and adjusting boom height. YOU know the weather can change, and YOU alone monitor it before and during the application. YOU know unforeseen circumstances can arise and YOU stay alert for potential problems during the application. YOU continually make the decision to spray or not spray; to continue spraying or stop spraying.

Most drift problems result from spray droplets moving downwind in the air from the application site. However, a few result from the product volatilizing during or even after the application. Volatility can be affected by air temperature and humidity, and must be considered when you select a product to use. Again, the ball is in your court: YOU make the call as to which product you use, and when and how you apply it. If sensitive areas are downwind, you need to reassess the application to ensure it can be accomplished without drift under all likely conditions during and after the application process. If you supervise or make spray applications, the following points may help you deal with drift:

- Nozzle manufacturers have developed several new "low-drift" nozzles, such as the air-induction types. Spend some time looking at their websites and catalogs or talk with their representatives about what you might select for your applications (*http://www.teejet.com* or *http://www.turbodrop.com*).
- U.S. Environmental Protection Agency (USEPA) is considering new guidance to manufacturers regarding drift related label language. Some manufacturers have already made changes.
  - Instead of minimal gallons per acre (GPA), some labels now reference spray droplet size (fine, medium, coarse, extra coarse). Nozzle manufacturers define the nozzles and pressures to achieve the desired droplet size.
  - The term "sensitive areas" is becoming more common, and it means a "place where drift is unacceptable." In some cases, manufacturers will provide a list of areas considered as sensitive.
- Application records can be your best friend when you need them. More notations and details in your records mean a more complete and clear picture of the entire application. Measure wind direction and speed several times during the application. Measure direction using compass degrees, not just "SSW." Note nozzle type and pressure to clearly indicate the droplet size used. If you suspend the application, note when and why you stopped (e.g., "I shut down when the school bus drove by at 3:55 p.m. at mile marker 68; I started again at 3:57 p.m.").

Drift can happen; we cannot pretend otherwise. Pesticide application is a business for alert, thinking individuals who make constant assessments and adjustments in their activities. To minimize drift, get your equipment tuned up and keep your mind tuned in during the spray season.

WEB SITES ON DRIFT

US EPA - Spray Drift of Pesticides - *http://www.epa.gov/pesticides/citizens/spraydrift.htm*

Spray Drift Task Force - *http://agdrift.com/*

AAPCO 1999 Pesticide Drift Enforcement Survey - *http://aapco.ceris.purdue. edu/doc/drift99.html*

Bob Wolf on Drift, Kansas State University - *http://www.bae.ksu.edu/rewolf/*

Newer Nozzles for Drift Management - *http://www.ag.uiuc.edu/cespubs/pest/articles/200006i.html*

WSDA STATISTICS RELATED TO DRIFT

YEAR	1999	2000
Total cases (complaints)	192	199
Drift-related cases	100	94

A friendlier way to achieve chemigation/fertigation compliance

For those who place pesticides or fertilizers into irrigation water, there may be times when you wonder if your system meets federal and state regulations. Concerned that a request for government assistance may result in disciplinary action, users often decide to "continue as-is" and hope that the regulatory folks do not come knocking. However, the Washington State Department of Agriculture (WSDA) has a better solution - the WSDA Chemigation and Fertigation Technical Assistance Program.

The mission of the Technical Assistance Program is to assist individuals who chemigate and fertigate by evaluating their systems for compliance and to work with the client in developing a plan that will bring the system into compliance. What is the catch? The process is voluntary. An applicator must request assistance or accept an offer for technical assistance. If an offer for voluntary technical assistance is not accepted, the option of an enforcement inspection remains.

To begin the technical assistance inspection, the client is given an overview of the inspection process and a review of the backflow prevention requirements. To better convey the process, WSDA staff will inspect one or more systems with the client. Once the client is comfortable with the process and with the principal requirements, the remaining systems are located on a map and then inspected by WSDA.

For each system, WSDA staff completes a Backflow Safety Device Checklist and a Chemigation Injection System Checklist and photographs taken. If no corrective action is required, the system is deemed in compliance and the client receives a copy of the checklists. If corrective measures are necessary, the:

- staff notes recommended action on a summary sheet and on the photograph;
- client is provided with a copy of the checklists, summary sheet, and photograph; and,
- staff member and client agree upon a re-inspection date.

In conducting the re-inspection, the process to determine compliance is repeated. Under most circumstances, only one re-inspection will occur before a Notice of Correction is issued.

A benefit of the technical assistance process is that certain backflow protection requirements may be waived due to system design or substituted technology. Also, there is usually more time given to come into compliance. Inspections that are not of a technical assistance nature may immediately result in a Notice of Intent to issue a civil penalty, suspend or revoke a license, or both.

For more information on the WSDA Chemigation and Fertigation Technical Assistance Program or to schedule a technical assistance inspection, contact Tom Hoffmann at (509) 766-2574 or Byron Fitch at (509) 766-2575.

Chemigation and fertigation rules under revision

Realizing that the chemigation and fertigation rules no longer reflected current industry practices, the Washington State Department of Agriculture (WSDA) joined with interested parties to revise the decade-old rules. The collaborative effort involved a Technical Advisory Committee comprised of growers, irrigation equipment and agri-chemical suppliers, an environmental representative, and federal and state government representatives. The rule revision process has spanned nearly two years and is resulting in a set of revised rules that will benefit both the agricultural community and the environment.

Input from industry, government and environmental interests during the rule revision process has been significant. The Technical Advisory Committee sought and received comment, primarily through an Ex Officio Committee composed of 22 individuals. Their charge was to review and comment on the practicality and adequacy of proposed changes, to assess draft language for clarity and ease of understanding, and to serve as an informational resource.

A major focus of the revised rules has been to promote enhanced protection for source water, ground water and other sensitive areas. Participants also wanted to move from equipment-specific requirements to performance-based criteria. Other changes involved requirements for application tank placement, tank size limitations, monitoring of applications near sensitive areas, and mixing and loading near water sources.

WSDA held four public hearings this spring and received public comments through the first week in May. As a result of testimony received, some sections of the draft rules will be revisited by the technical advisory committee and go back to public hearing in September. The remaining adopted sections will be given an extended implementation date so that all sections of the rule will have the same effective date.

For more information, call the Chemigation and Fertigation Technical Assistance Program in Moses Lake at (509) 766-2574 or write to Tom Hoffmann or Byron Fitch, WSDA Pesticide Management, 821 E. Broadway, Suite 4, Moses Lake, WA 98837.

EPA Funds Pesticide Notes

The EPA's Region 10 office in Seattle has recognized the value of *Pesticide Notes* by once again providing funding for its development and distribution. We gratefully acknowledge this support. WSDA and EPA join in hoping that this publication provides you with valuable information.

New posting and notification requirements for schools, day care centers

Starting July 2002, a new law will require public schools and licensed day care centers to post all pesticide applications and establish a system to notify interested parents and staff of planned pesticide use.

WHY IT CAME TO BE

Attention has been focused in recent years on the impact of pesticides on children's health. This has resulted in federal law changes related to pesticide registrations, funding of new research evaluating children's environmental health risks, and local and state efforts to minimize children's exposure to pesticides.

Various efforts have been studied in Washington state to reduce children's exposure to toxic chemicals in schools. Though the state Department of Agriculture (WSDA) has received few complaints concerning exposures or improper use of pesticides at schools, the department has supported efforts that ensure the safe use of pesticides around children.

HOW IT CAME TO BE

Legislation requiring posting and notification of pesticide applications at schools and day cares generated significant attention during the 2000 session. Although the legislation was not passed, it prompted the formation of a task force representing state and federal agencies, environmental groups, school districts, pesticide applicators and interested citizens. After an enormous amount of work by the task force, WSDA developed a final proposal that was endorsed by Governor Locke. Task force participants supported the final proposal in whole or in part.

The proposal brought to the Legislature not only called for posting and notification, but would have required all school and day care center employees who apply pesticides to be licensed with WSDA. The licensing provision did not pass the Legislature due to cost concerns and questions by some legislators about the need for expanded licensing. Even though the proposal was supported by private schools, they were exempted from the new law.

In the 2001 session, after several hearings, lots of discussions with lawmakers and several amendments, Senate Bill 5533 passed and was signed by the governor on May 15. It takes effect July 1, 2002.

MAJOR PROVISIONS OF THE NEW LAW

Requires schools to notify parents and staff of pesticide use - The new law requires all public schools and day care centers to annually provide parents and employees with written notification of the school's pest control policies and methods. There must also be a system that, at a minimum, notifies interested parents and employees at least 48 hours before a pesticide application.

Notifications must state the location and intended date and time of the application, the pest to be controlled, and the name and number of a contact person at the school or day care center.

Requires posting of all applications at the time of application for at least 24 hours - Pesticide applications made to school grounds must be posted at the location of the application and at each primary point of entry to the school grounds. The signs must be at least 4" x 5" in size, must state: "This Landscape Has Been Recently Sprayed Or Treated With Pesticides By Your School," and must include who to call for more information.

Pesticide applications made to school structures and other facilities must be posted at the location of the application with signs at least 8-1/2" x 11" in size. The signs must include the name of the pesticide applied, the date, time and location of the application, the pest to be controlled, and a contact name and telephone number.

Provides for access to pesticide application records - Public schools and licensed day care centers must make pesticide application records, including an annual summary of the records, readily accessible to interested persons.

WHERE WE GO FROM HERE

Prior to the July 1, 2002 implementation date, WSDA will work with task force members and others to develop a "How to Comply" publication for schools and day care centers.

For further information, contact Cliff Weed, compliance program manager, at (360) 902-2036 or *cweed@agr.wa.gov*.

Labeling requirements for chemigation applications

Do you apply pesticides through chemigation equipment? Are you confused about the information that must be affixed to your application tank?

A full pesticide label must be attached to all application tanks containing **undiluted** product. The label must include the EPA registration and establishment numbers. The establishment number identifies the facility that produced the product, which is especially important when bulk pesticides are transferred from one container to another. Finally, the label must list the maximum net capacity of the tank.

Although recommended for safety purposes, a pesticide label is not required for an application tank containing only diluted pesticide(s). In the event of a spill, a pesticide label for each diluted product in the tank provides valuable information to assist emergency response crews in rendering first aid or managing the accident.

For more information, contact Tom Hoffmann (509) 766-2574, e-mail *thoffmann@agr.wa.gov* or Byron Fitch (509) 766-2575, e-mail *bfitch@agr.wa.gov* of the Chemigation and Fertigation Technical Assistance Program in Moses Lake.

Can I use this pesticide? There's disposal help if you can't

With all the media focus on pesticide use cancellations, do you find yourself wondering if the pesticides in your inventory are still legal for use? Don't worry – you are not alone.

At every turn, applicators have been advised to purchase only enough pesticides to take care of their current needs. This protected the grower in case of a rare pesticide use suspension and made for easier storage. Fortunately, most products that were cancelled or had uses eliminated from the label in the past remained legal for use until inventories were depleted. The exceptions to this were the well-publicized suspensions of pesticides such as dinoseb, ethylene dibromide (EDB), and 2,4,5-T.

In the case of most pesticide cancellations of the past, registrants and distributors were able to phase in label changes and distribution requirements over time. Growers could continue to use any product they had according to the container's label directions because the Environmental Protection Agency (EPA) had not revoked the tolerance, or the legal amount of a pesticide residue allowed on a commodity upon distribution. All of that changed with the 1996 Food Quality Protection Act (FQPA). With a requirement that all tolerances (approximately 10,000) be reassessed by the year 2006, EPA has revoked 1,281 tolerances that no longer have registered uses.

What happens if a grower makes an application of one of these products that has no established tolerance at the time of the application? Resulting residues on the crop are considered illegal and the crop is subject to embargo or seizure action by the Food and Drug Administration (FDA).

Tolerance revocation is a sure indication not to use a pesticide but not the only one. In some cases, a tolerance may have been reduced in order to correspond to a decrease in the allowable label rate. This has occurred with some of the "voluntary agreements" that EPA reached with the registrants of certain organophosphate (OP) insecticides such as chlorpyrifos (see related article on page 8). If a tolerance has been reduced and you apply the pesticide according to the old label use rate, you are in danger of creating residues that exceed the tolerance. This is also grounds for an embargo or seizure action by FDA.

In theory, any product you buy in a given season should be OK to use that season for all of the uses listed on the label. That is because EPA delays taking action on a tolerance for a reasonable time after a label change occurs. This allows the newly labeled product (that has an eliminated or reduced usage) to make its way into the channels of trade while the old product moves out.

This theory holds as long as dealers are knowledgeable about changes to label requirements and follow the EPA prescribed limitations for distribution. If your dealer has old product in their inventory and distributes that product after the EPA mandated cut-off, they are not only in violation of federal pesticide law but have put you in jeopardy of applying a product to a crop that will not be covered by a tolerance. It will be their fault for illegally selling you the old product, but that's not going to help you much when FDA takes action because of illegal residue on your crop.

EPA PIPELINE PROVISION

So what happens when an application is made

Waste pesticide collection schedule for late Summer and early Fall 2001

Collection Site Nearest City	Collection Event Date	Customers Sign up by
Long Beach	August 20	July 12
Grays Harbor area	August 21	July 12
Forks	August 22	July 12
Port Townsend	August 23	July 12
Shelton	August 24	July 12
Prosser	Sept 18	July 26
Underwood	Sept 19	July 31
Longview	Sept 20	July 31
Othello	October 16	August 27
Orondo	October 18	August 27

If you are interested in participating in one of these events, please contact the Waste Pesticide Program by the sign up deadline at:

Telephone: 360-902-2056
Toll free 1-877-301-4555
Fax: 360-902-2093
E-mail: *wastepesticide@agr.wa.gov*
Website: *http://www.wa.gov/agr/pmd/pesticides/collection.htm*

according to label directions while there is a tolerance in place, but the tolerance is later revoked while the treated commodity is still in the channels of trade? The "pipeline provision" allowed by EPA ensures growers that if they make an application at the time there is a tolerance in place they are covered by that tolerance even if their commodity has residues after the tolerance is later revoked.

How does a grower know if it is legal to use an old product according to the label on the container? There is no easy answer to this question nor can it be found by checking only one reference unless, of course, you have the time and fortitude to spend all of your waking hours reviewing the federal register. Your best approach is to use a combination of the following resources:

- Your pesticide dealer should be able to help you. A knowledgeable dealer should be keeping up with the changes that are occurring to federal pesticide registrations. If they are a service-oriented dealer they will be in close contact with distributors and registrants who will be providing them with critical information on a product's registration status. They will make sure that the products they are selling to you are in compliance with any EPA actions.
- EPA's Web site provides information on changes to registrations, especially the major actions (voluntary agreements) on some of the OPs such as chlorpyriphos and diazinon. Pesticide information is located at *www.epa.gov/pesticides.*
- The Washington State University Pesticide Information Center has information on current tolerances and registrations posted on their Web site at *http://picol.cahe.wsu.edu*. This site also has a wealth of information on other pesticide issues and posts "pesticide notifications" which cover changes to pesticide registrations. Because these are not searchable by product or active ingredient, you may have to do some digging to determine whether your use has been cancelled, and if it has, whether the tolerance is scheduled to be revoked. For further information on WSU's Pesticide Notification Network or the Pesticide Information Center On-Line, contact Jane Thomas at(509) 372-7493 or *jmthomas@tricity.wsu.edu*
- Registrants will often have registration information on their websites and will often post the federal label currently registered for distribution. You are advised not to base your decision to use an old product solely on a label that is posted on a registrant's Web site. However, if you see that the use you are interested in has been eliminated from the registrant's posted label, it is a good indication that you should check further before making the application.

If you have determined that some of your products are no longer usable, then it is time to properly dispose of them. Nearly all agricultural pesticides are prohibited for disposal along with your regular trash or by burial or burning. One of your legal disposal options in Washington state is the WSDA Waste Pesticide Program. The thirteen-year-old non-regulatory program provides a disposal opportunity for unusable or unwanted pesticides. There is no charge for disposal and all pesticide users within the state are eligible whether they have a pesticide license or not. So far, the program has collected and properly disposed of 1,149,776 pounds of unusable pesticides from 3,867 customers. A Methow Valley producer brought the one-millionth pound to an event held May 2000 in Wenatchee.

Most of the program's customers transport their unusable pesticides to regional collection events. Some collection projects are held at the customer's site due to special handling or safety issues. In addition, upon request, staff members will travel to the customer's location without a fee to provide on-site assistance with pesticide disposal and storage issues.

See the box on page 16 for WSDA's waste pesticide collection schedule and contact information. You can also check the complete schedule and links to related information at the program's Web site: *www.wa.gov/agr/pmd/pesticides/collection.htm.*

Remember, before you apply an old product that you've had sitting in storage for a while or have to dispose of it as a waste, check the various information sources listed in this article. It could save you a lot of trouble down the road.

RECYCLING SERVICE LAUNCHES WEB SITE FOR CONTAINER USERS

Northwest Ag Plastics, a free Washington state mobile recycling service for the agricultural industry, has launched a Web site for pesticide container users. Company founders Clarke Brown and Steve George established *www.nwagplastics.com* so users can have an additional source of information for container preparation and collection sites.

Working with the Washington Pest Consultants Association, Northwest Ag Plastics operates the only state and federally authorized pesticide container recycling program in Washington.

For further information contact Northwest Ag Plastics at (509) 965-6809 or through the Web site at *www.nwagplastics.com*.

WSDA issues nearly $6,000 in penalties

The Washington State Department of Agriculture (WSDA) Pesticide Management Division issued $5,878 in civil penalties and suspended pesticide licenses totaling 65 days to seven individuals since July 2000. Violations included failing to follow directions on the pesticide label, allowing pesticide to drift onto a person or property, and failing to keep adequate and complete pesticide records.

WSDA enforces state and federal pesticide laws to protect people, property, animals and the environment from illegal pesticide use. The Pesticide Management Division provides the following services:

- Investigates alleged misuse of pesticides;
- Inspects pesticide outlets and pesticide records;
- Issues pesticide licenses to commercial pesticide applicators and operators, private applicators, pesticide dealers and dealer managers, commercial pest control consultants, public operators and public consultants;
- Reviews permits for pesticide applications in sensitive environmental areas; and
- Provides technical assistance to the pesticide industry and consumers.

VIOLATORS OF PESTICIDE LAWS & REGULATIONS

SAMUEL C. WINZLER, a licensed commercial pesticide operator for Moses Lake Warden Air Service, in Moses Lake, paid a $778 civil penalty and had his license suspended for four days. Winzler applied a mix of insecticide, fungicide and fertilizer onto two fields of sugar beets in Grant County. Winzler failed to follow the pesticide label directions, allowed the pesticide spray to drift onto a person causing illness to the person, and failed to maintain adequate and complete pesticide application records.

JOEL B. VANCE, a licensed private applicator in Prescott, paid a civil penalty of $750 and had his license suspended for nine days. He caused, through his subordinate employee, the application of a highly toxic insecticide onto an apple orchard in Benton County. The spray drifted and contacted a person. Vance failed to follow the directions on the pesticide label, acted negligently and potentially endangered the health of the person.

ROBERT T. FLYNN, a licensed commercial pest control consultant for Shamrock Home and Pest Inspection in Yelm, paid the first installment of a $1,200 civil penalty and had his license suspended for a week. Flynn conducted a wood destroying organism (WDO) inspection of a house in Thurston County. After his inspection, he issued a false WDO inspection report and failed to record the minimum regulatory requirements.

GREGORY A. WARD, a licensed private applicator in Monitor, paid an $800 civil penalty and had his license suspended for three days. Ward applied a mix of a highly toxic insecticide and a fertilizer onto an apple orchard in Chelan County. Ward failed to follow the insecticide label directions, allowed the highly toxic spray to drift and contact a person causing illness to the person, and failed to maintain adequate and complete pesticide application records.

KERMIT LARSON, a licensed commercial pesticide operator for Air Trac, Inc., in Pasco, paid a $700 civil penalty and had his license suspended for 10 days. Larson applied a fungicide onto a potato crop in Walla Walla County. His application was negligent and caused the spray to drift onto a passing vehicle potentially endangering the health of the driver and its passenger. He also failed to follow the fungicide label directions.

JOHN J. GANLEY, a licensed commercial pesticide operator for Basin Tree Service & Pest Control, Inc., dba United Right-Of-Way in Ephrata, continues installment payments on a $1,000 civil penalty and had his license suspended for 25 days. Ganley applied a mix of herbicides onto the yards of two residential properties in Grant County and failed to follow the labeled directions on the herbicides. His application caused injury and damage to ornamental plants in the treated yards.

CARROLL STEVE FAULKNER, a licensed commercial pesticide applicator for Falcon West Helicopter, Inc., in Wenatchee, paid a $650 civil penalty and had his license suspended for seven days. Faulkner applied an ultra-low-volume concentrate insecticide onto a cherry orchard in Douglas County. The spray drifted onto a person and onto the person's property. Faulkner failed to follow the insecticide label directions, and he failed to maintain adequate and complete pesticide application records.

To file a complaint about misuse of a pesticide, pesticide injury or damage, or to inquire if an individual has an appropriate license, call the WSDA Pesticide Management Division toll-free at (877) 301-4555.

Pesticide labeling rules updated with state/federal requirements

Are you involved in the registration of spray adjuvants, special local needs and/or 25(b) minimum-risk pesticides? Or maybe you plan on submitting a Section 18 emergency exemption request. If so, you need to be aware of new state pesticide labeling requirements.

To stay current with federal and state requirements, the Washington State Department of Agriculture (WSDA) recently adopted specific pesticide labeling requirements for:

- Section 24(c) special local need (SLN) registrations;
- Section 18 emergency exemptions;
- Spray adjuvants; and
- Section 25(b) minimum-risk pesticides.

The new labeling rules, found in WAC 16-228-1400 of the General Pesticide Rules, became effective November 30, 2000. You can obtain a copy of the rule by contacting Pesticide Registration staff toll-free at (877) 301-4555 or by going to our Web site at *http://www.wa.gov/agr/pmd/docs/rcw/16-228forms.pdf*.

Here's a brief explanation of the new pesticide labeling rules:

SECTION 24(C) SPECIAL LOCAL NEED REGISTRATIONS

WSDA registers pesticide uses to meet special local needs (SLN) within the state. Prior to registration, the department reviews the SLN label to verify compliance with specific criteria established by Environmental Protection Agency (EPA) and WSDA. The new SLN labeling rules specify these requirements in detail under section WAC 16-228-1400(4). After the state issues the registration, EPA reviews each SLN registration and oversees the program in a general manner.

SECTION 18 EMERGENCY EXEMPTIONS

WSDA can request that EPA grant an emergency exemption from registration, as allowed for in Section 18 of the Federal Insecticide Fungicide Rodenticide Act (FIFRA), to allow the use of an unregistered pesticide in an emergency situation. If approved, EPA issues a granting document to WSDA. The granting document refers to all requirements EPA views as necessary to protect people and the environment.

However, rather than simply list all the requirements, EPA sometimes refers to requirements submitted by the state in its request package, on the registered Section 3 label or on the draft Section 18 label. In some cases, WSDA has had to add state specific requirements that EPA had not previously referred to on the granting document. This created a burden for applicators who ultimately had to reference multiple documents to figure out how to comply with the Section 18 exemption.

The best way to reduce this burden was to incorporate all use requirements onto a single document – the Section 18 label. The Section 18 labeling rule, listed under WAC 16-228-1400(2), requires that the registrant create a Section 18 label that must be approved by WSDA prior to use. The rule does provide an exception for situations (i.e. crisis exemptions) when registrants simply do not have enough time to create a label prior to use of the pesticide.

SPRAY ADJUVANTS

Spray adjuvants increase the effectiveness of a pesticide (e.g. extenders, penetrants, spreaders, stickers, surfactants) or modify the characteristics of the tank mix (e.g. acidifiers, defoaming agents, drift control agents). Since spray adjuvants do not make pesticidal claims, EPA doesn't register them. However, Washington state law requires the registration of spray adjuvants.

Spray adjuvants can be hazardous and in certain cases may present more risk to people or the environment than the pesticides with which they are applied. In addition, the precautionary language on spray adjuvant labels is not always consistent with precautionary language of pesticides that have similar toxicological properties. These issues, along with increased concerns over endangered salmonids, prompted WSDA to take a closer look at spray adjuvant labeling requirements. Spray adjuvant labeling rules are listed under WAC 16-228-1400(3).

SECTION 25(B) MINIMUM RISK PESTICIDES

In 1996, EPA exempted certain "minimum-risk" pesticides (e.g. corn gluten, garlic, mint oil) from FIFRA requirements if they satisfy certain conditions. Because Washington state law still requires WSDA to register these products, the responsibility for ensuring that Section 25(b) labels display adequate language to protect people and the environment shifted from EPA to WSDA. The Section 25(b) minimum-risk pesticide labeling rules listed under WAC 16-228-1400(5) include requirements from the EPA exemption and Washington state law.

RESOURCES TO HELP YOU WITH THE NEW LABELING REQUIREMENTS

WSDA incorporated information on pesticide labeling requirements into its guidance documents for Section 24(c) SLN registrations, Section 18 emergency exemptions, spray adjuvants and Section 25(b) minimum-risk pesticides. If you have questions regarding pesticide labeling requirements, contact the WSDA Pesticide Registration Section toll-free at (877) 301-4555, by fax at (360) 902-2093 or by e-mail at *pestreg@agr.wa.gov*. The WSDA Pesticide Registration Web page address is *www.wa.gov/agr/pmd/pesticides/forms.htm*.

Secondary containment works!

Frequently asked temporary field storage questions:

(Q) Are growers exempt from the temporary field storage rules?

(A) No, all users of temporary field storage must comply with the rule.

(Q) What are the labeling requirements for temporary field storage tanks?

(A) Tanks must be labeled with the owner's name, tank capacity and I.D. number. The date the tank was put in place must be attached to the tank in a weatherproof enclosure.

(Q) When I finish using my temporary field storage tank, can I disable it and leave it in the same location as long as I label it "out of service?"

(A) No, if the tank is not moved within 21 days for fertilizer or 14 days for pesticides, it is classified as a permanent storage facility.

(Q) What if weather related problems prevent me from moving my temporary field storage within the required time periods?

(A) Upon request, the Department of Agriculture may permit a time extension due to weather related conditions.

(Q) When were the temporary field storage rules adopted?

(A) March 1,1994

Some people question the state requirement for secondary containment of bulk fertilizer, while others know the value of a good containment system. Here are some real-life stories submitted to the Department of Agriculture by companies that have experienced, first hand, the value of secondary containment:

NITRO-SUL SPILL

A facility in central Washington received a semi-truck load of nitro-sul before closing for the night. Nitro-sul smells like rotten eggs and has a reddish color that will stain anything it touches. While loading the storage tank, the truck driver disabled the auto shut-off valve on the storage tank's sight gauge. This allowed him to monitor the level of liquid in the storage tank without having to enter the containment. The driver completed filling the tank and went on his way.

Unfortunately, he left the sight gauge auto shut-off valve disabled. The sight tube blew off later that night during a windstorm. When the facility manager returned to work the next morning, he found 6,800 gallons of nitro-sul in the secondary containment.

Facility employees had quite a job cleaning up the containment but it was minor compared to the clean up that would have been necessary without the containment in place. This is also an excellent example of why an auto closing sight gauge valve is required on all external sight gauges. If the truck driver had not disabled the valve, the release never would have occurred.

SULFURIC ACID DAMAGES RINSATE TANK VALVE

A facility in the upper Yakima valley supplies its customers with a sulfuric acid product for conditioning rill irrigation water. The product is not a fertilizer, but the facility operators store the product inside secondary containment just to be safe.

A truck driver at the facility filled his truck with acid and pulled away without unhooking the hose to the acid tank. A fitting on the acid tank broke and the acid sprayed onto a fertilizer rinsate storage container, which was also located within the secondary containment. The acid deteriorated the plastic valve on the tank and rinsate was released into the containment. The facility operator's decision to store the acid in secondary containment turned what could have been a major problem into a minor clean up project.

TO ERR IS HUMAN – TO PREPARE FOR BLUNDERS IS SMART!

Employees at a facility in the Palouse area of eastern Washington spent the day cleaning out fertilizer tanks and the surrounding secondary containment. The employees used a manually operated sump pump to transfer the fertilizer rinsate into the rinsate holding tank before quitting for the day.

Continued on next page

What is secondary containment?

A device or structure designed, constructed, and maintained to hold or confine a discharge of liquid fertilizer or pesticide from a permanent storage facility.

Why do we need secondary containment?

In 1978, the U.S. Environmental Protection Agency raised concerns about surface and ground water protection after an underground storage container leaked oil into the Monongahela River in Pennsylvania. Following EPA's lead, states began the process of evaluating their need for secondary containment on a local level.

Who developed Washington's secondary containment rules?

The rules were written by an advisory committee formed by WSDA that includes government and industry representatives.

The final rules became effective March 1, 1994 with a 7-year phase-in period for storage containers over 100,000 gallons. As of March 1, 2001, the rules apply to all storage facilities with the capacity to hold in excess of:

- 500 gallons of liquid or 50,000 lbs. of dry fertilizer at one location; or
- 500 gallons of liquid or 2,000 lbs. of dry pesticide at one location.

When the employees returned to work the next day, they discovered the containment full of fertilizer rinsate. The pump they used was hooked to the rinsate tank and, although it was turned off, the valve on the tank was not closed. Because of this, the fertilizer rinsate flowed back into the containment.

STATE STORAGE STATISTICS

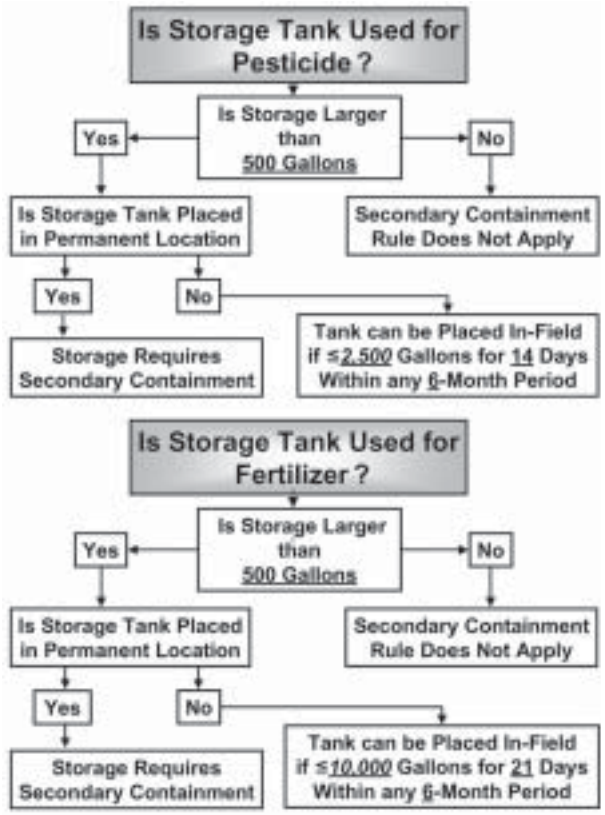
- There are more than 300 secondary containment facilities in Washington – most are retail locations for the agricultural chemical industry.
- Washington has approximately 40 million gallons of storage capacity for bulk liquid fertilizer and pesticides, and more than 55 million gallons of available secondary containment.
- Eleven facilities store fertilizer in containers larger than 100,000 gallons. These facilities either manufacture or provide commercial storage.

The state Department of Agriculture has completed more than 250 secondary containment facility inspections since March 1999, including all facilities with containers over 100,000 gallons.

If you have any questions about secondary containment, contact Brent Perry, WSDA secondary containment technical advisor, at (509) 533-2689.

Do secondary containment rules apply to you?

The major difference between temporary field storage and permanent storage is the length of time they can remain in the same location. To be classified as temporary, pesticides can't be stored in one place for more than 14 days and fertilizer can't be stored in one place for more than 21 days in any six-month period. Follow this chart to determine if secondary containment rules apply to you:



Committee hammers out revision to secondary containment rules

After a year of hard work by the Secondary Containment Advisory Committee, the Department of Agriculture has revised the rules governing the containment requirements for bulk pesticides and fertilizers.

The department met frequently with the Advisory Committee during 1999 and 2000 and thoroughly reviewed the existing rule, in place since 1994. The Advisory Committee worked together to address issues and questions that had emerged since the rule's adoption. Besides a number of minor housekeeping and clarification changes, five major changes were adopted into rule, effective March 1 of this year:

- It is a violation to store rinsate and spills in surface impoundments (ponds). The original rule was unclear regarding the legality of this type of storage. Even though few facilities store rinsates in surface impoundments, this section of the proposed rule received the most comment during public hearings last November. The final rule gives facilities currently storing rinsates in surface impoundments 30 months to come into compliance.
- Co-mingling of materials within secondary containment is allowed as long as it does not create a hazard to humans or the environment. In the original rule, it was a violation to store anything other than rinsates in the same containment with pesticide or fertilizer products.
- Owners of temporary field storage tanks are required to date tanks when they are put into place. Upon request, owners must also supply the identifying number and location of the tank to the Department of Agriculture. This will help the department ensure that temporary field storage tanks are not set in one place for more than the allowed 21 days for fertilizers and 14 days for pesticides.
- Backflow prevention requirements are consistent with Washington Department of Health rules. The WSDA rules continue to meet the intent of protecting source water from contamination.
- All recovered fertilizer spills and rinsates in excess of 500 gallons are required to be in a storage container located within secondary containment. The storage container must be labeled to identify content. The language was also revised to clarify when rinsates must be removed from an operational area sump.

A copy of the revised rule is available on the Web site at *http://www.wa.gov/agr/pmd/etc/laws.htm* or by calling WSDA toll free at (877) 301-4555.

Compliance with Section 18 labels focus of project

NOTE: *A " Section 18 pesticide" is a pesticide than has been granted an emergency exemption from registration by the U.S. Environmental Protection Agency (EPA) per Section 18 of the Federal Insecticide, Fungicide & Rodenticide Act (FIFRA). This exemption allows the use of the pesticide for an unregistered application in an emergency.*

An expeditious Section 18 registration program is crucial for Washington agriculture to manage emerging pest and disease problems and mitigate the loss of previously available pest control tools.

With more than 300 different types of crops, Washington has its share of emergency situations. Organizations representing the state's agricultural producers request an average of 34 Section 18 exemptions every year.

One issue that potentially affects the availability and use of Section 18 pesticides is the Endangered Species Act. With 15 runs of wild salmon federally listed as threatened or endangered across 75 percent of the state, proper use of Section 18 pesticides is crucial to ensure that these pesticides continue to be available to Washington growers in the future.

The Department of Agriculture initiated a Section 18 pesticide use compliance project last March to determine if registration and compliance activities related to these exempted pesticide uses are consistent with the recovery of threatened and endangered fish species.

PHASE ONE

During the first phase of the project, department staff inspected 58 Section 18 pesticide applications to ensure that applicators followed the requirements of the granting document, pesticide label and applicable state regulations. The inspections included 10 pesticides that were used on eight types of crops in areas that provide habitat for threatened and endangered fish.

The inspectors found that 56 of the applicators mixed, loaded and applied the pesticides in compliance with label requirements, applicable laws and rules. Notices of correction were issued to the two growers cited for non-compliance.

One troubling area highlighted by the inspections was compliance with worker protection standards. The most common problems were failure to adhere to restricted-entry interval requirements for short-term activities, not wearing all of the required personal protective equipment and inconsistently posting treated fields.

PHASE TWO

The second phase of the project started Nov. 13 when individuals and dealers were formally asked to submit their Section 18 pesticide application and distribution records to the Department of Agriculture. Project staff is reviewing these documents to determine if the records are correct and if the pesticides were properly applied. The results of this review will augment the data gathered during the inspections.

The preliminary results of the records review indicate significant areas of concern. Numerous pesticide application records do not contain the elements required by Washington pesticide law. Some records reveal that Section 18 pesticides were not properly applied.

PHASE THREE

The Department of Agriculture will continue compliance inspections and records reviews as it moves into the third and final phase of the project this use season. Two more watersheds may be added and the information collected may be enhanced with an affiliated water-sampling program. The agency is also exploring the possibility of coordinating water sampling and analysis with other water quality assessment programs.

FOLLOW THE LABEL!

The department strongly encourages applicators to carefully review Section 18 labels to ensure that these pesticides are used legally. As with other types of pesticide labeling, Section 18 labels are constantly changing and legally binding. It is the users responsibility to obey the label!

Please see the related article on new Section 18 labeling requirements on page 19.

Statewide toll-free phone number: 1-877-301-4555

Olympia Offices — **PO Box 42560 ..... fax 360-902-2093**
Olympia, WA 98504-2560

Administration ..... e-mail: pmdweb@agr.wa.gov
Bob Arrington, Laurie Mauerman, Heike Stough

Pesticide Registration ..... e-mail: pestreg@agr.wa.gov
Feed & Fertilizer Registration ..... e-mail: fertreg@agr.wa.gov
Christa Bemis, Evan Evans, Steve Foss, Erik Johansen, Ali Kashani, Reola Loomis, Neil Lanning, Shannon Lumsden, Ted Maxwell, Mike Norman, Angela Owen, Lynn Sheridan, Wendy Sue Wheeler
Bridget Moran (endangered species coordinator)

Compliance ..... e-mail: compliance@agr.wa.gov
Jeff Britt, Val Davis, Paul Figueroa, Bob Merkel, Dan Suomi (Compliance Investigations)
Deborah Bahs, Joel Kangiser, Kathi Matherly, Rebecca Sotelo, Cliff Weed (Compliance)

Licensing & Recertification ..... e-mail: license@agr.wa.gov
Irene Beckman, Janet Dykstra, Lois Hagen, Tiffanie Morgan, Sharon Pettys, Margaret Tucker, Hugh Watson

Program Development ..... e-mail: wastepesticide@agr.wa.gov
Cindy Moore, Ann Wick
Rod Baker, Maryann Connell, Joe Hoffman, Rose Snell (Pesticide Disposal)

Statewide toll-free phone number: 1-877-301-4555

Yakima Branch — **21 North 1st Ave, Suite 236** — fax 509-575-2210
Yakima, WA 98902-2663 — e-mail: gbuckner@agr.wa.gov

Gary Buckner, Gail Amos, Jim Bach, Lee Barigar, Gary Fagan (Compliance)
Veronica Segura, Jorge Lobos (Licensing & Farmworker Education)
Mike McCormick (Feed & Fertilizer; Pesticide Disposal)

Wenatchee Branch — **1505 N. Miller St, Suite 140** — fax 509-664-3170
Wenatchee, WA 98801-1569 — e-mail: gbuckner@agr.wa.gov

Ed Von Grey, David Zamora (Compliance)
Flor Tovar (Licensing & Farmworker Education)

Spokane Branch — **222 N. Havana, Suite 203** — fax 509-533-2621
Spokane, WA 99202-4776 — e-mail: tschultz@agr.wa.gov

Scott Nielsen, Tim Schultz, Jeff Zeller (Compliance)
Brent Perry (Feed & Fertilizer)

Moses Lake Branch — **821 E. Broadway Ave, Suite 4** — fax 509-766-2576
Moses Lake, WA 98837 — e-mail: tschultz@agr.wa.gov

Byron Fitch (Compliance/Chemigation)
Tom Hoffmann (Chemigation/Fertigation)

Oregon no longer accepts out-of-state licenses or verification of training

The Oregon Department of Agriculture (ODA) recently implemented changes that, with one exception, terminates its reciprocal licensing agreement with Washington state and changes how existing licensees verify attendance at recertification courses.

The following procedural changes concern all persons **except those licensed as private applicators** who apply pesticides in Oregon. The changes are effective immediately.

PESTICIDE LICENSES

Any person who wishes to work as a pesticide applicator or operator in Oregon – **and who does not already hold an ODA pesticide license** – must take an ODA-administered pesticide license test in the categories in which they intend to operate. This means ODA no longer accepts pesticide licenses issued by another state. Again, private applicators are exempted from this change.

The Washington State Department of Agriculture will continue to provide reciprocal licenses to qualified applicants.

PESTICIDE RE-CERTIFICATION

Oregon licensees who elect to attend pesticide continuing education courses in Washington must verify attendance on ODA issued sign-up sheets or certificates. ODA no longer accepts Washington State Department of Agriculture sign-up sheets or certificates as verification of attendance. This also applies to Washington citizens who hold an ODA pesticide license.

In effect, dual license holders must sign Washington sheets for continuing education credit in Washington and Oregon sheets for credit in Oregon. Persons with an Oregon pesticide license should verify ODA accreditation with course sponsors – **before** attending any courses held in Washington.

At the request of the Oregon Department of Agriculture, Washington State Department of Agriculture will no longer forward sign-up sheets or certificates to Oregon.

FOR MORE INFORMATION

Please write to Janet Fults, Oregon Department of Agriculture, Pesticides Division, 635 Capitol Street NE, Salem, OR 97301-2532.

Change of Address??

Please notify us of any change to your mailing address to ensure you receive future information affecting your pesticide license. Make any changes to the mailing label below and return to WSDA.

WASHINGTON STATE DEPARTMENT OF AGRICULTURE

Pesticide Management Division
PO BOX 42589
OLYMPIA WA 98504-2589

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